

REMARKS

This response is in full and timely response to the restriction requirement issued on April 24, 2008.

The restriction is traversed for at least the following reasons:

1. The inventions can easily be searched without undue burden on the Examiner.
2. The Examiner indicates that the claims do not comply with unity of invention as required under PCT rule 13.1. However, this application has followed the PCT procedure of obtaining a search report, including a check for compliance with PCT rule 13.1, and the PCT authority in charge of this search and check has raised no objection of lack of unity. An objection of lack of unity is systematically raised during the PCT search procedure when non-compliance with PCT rule 13.1 is found. In this case, compliance has been found as shown by the search report.
3. Furthermore, the Examiner provides a reason why the inventions listed in Group I and II do not, in his opinion, relate to a single general inventive concept. The alleged reason is that the product claims do not require thinning down of the semiconductor via its backside, where the process claims do require this step. This is clearly an unacceptable reason because the step of thinning down is a process step and the product is not supposed to be defined by its manufacturing process. Alleging that a product claim does not comply with unity for the reason that it does not include a process step seems to be improper by nature.
4. It seems that the Examiner has applied a traditional US-type restriction between process claims and product claims, sometimes used in US procedures based on the principle that process and product might not fall into a single technical classification. However, since the requirement is stated as being made under PTC rule 13.1, only PCT criteria are to be considered, and they are met in this case. The criteria do not include the belonging to a single technical classification.

Early examination on the merits is courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN HAM & BERNER, LLP

A handwritten signature in black ink, reading "Kenneth M. Berner". The signature is written in a cursive, flowing style.

Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111 KMB/KT/ser
Facsimile: (703) 518-5499
Date: May 27, 2008